

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 218 be amended to read as follows:

- 1 Page 1, line 8, delete "person;" and insert "**person who is at least**
- 2 **eighteen (18) years of age;**".
- 3 Page 1, line 14, strike "proving:" and insert "**proving by clear and**
- 4 **convincing evidence;**".
- 5 Page 2, line 3, delete "proving:" and insert "**proving by clear and**
- 6 **convincing evidence;**".
- 7 Page 2, after line 7, begin a new paragraph and insert:
- 8 "**(e) Damages described in subsection (b) may not be reduced**
- 9 **by more than one percent (1%) for failing to comply with section**
- 10 **2 of this chapter.**
- 11 **(f) If evidence that a plaintiff did not comply with section 2 of**
- 12 **this chapter is admitted in a civil action, the court shall also admit**
- 13 **the following evidence:**
- 14 **(1) The name of the defendant's liability insurance carrier.**
- 15 **(2) The amount of liability insurance carried by the**
- 16 **defendant.**
- 17 **(3) The fact that the defendant's insurance carrier or**
- 18 **carriers, rather than the defendant, will pay any verdict or**
- 19 **judgment against the defendant up to the policy limits.**
- 20 **(4) The name of the defendant's excess liability carrier.**
- 21 **(5) The amount of excess liability coverage carried by the**
- 22 **defendant.**
- 23 **(6) The name of any other individual or entity with whom the**
- 24 **defendant is insured and the amount of that coverage.**
- 25 **(7) The name of any other individual or entity from whom**
- 26 **the defendant is entitled to indemnification or**
- 27 **reimbursement relative to any verdict or judgment entered**
- 28 **against the defendant with respect to the plaintiff's claim.**
- 29 **(8) Any advance payments that have been made by the**

1 defendant, the defendant's insurance carrier, or any other  
2 individual or entity on behalf of the defendant, including but  
3 not limited to payments for property damage, medical  
4 expenses, lost wages or income, and pain and suffering.

5 (9) The amount of attorney fees the plaintiff must pay out of  
6 any verdict or judgment.

7 (10) The amount of litigation expenses that have been  
8 incurred to pursue the claim, including, but not limited to,  
9 fees paid to expert witnesses and consultants, deposition  
10 costs, investigation costs, and costs associated with preparing  
11 exhibits.

12 (11) Any evidence suggesting that during the twenty-four (24)  
13 hour period preceding the collision from which the plaintiff's  
14 claim arises the defendant:

15 (A) had been drinking alcohol of any kind; or

16 (B) had ingested medication or drugs, or both, that  
17 affected the defendant's ability to operate a motor  
18 vehicle.

19 (g) If evidence that a plaintiff did not comply with section 2 of  
20 this chapter is admitted in a civil action, a defendant may not  
21 prevent the facts surrounding the occurrence of the collision from  
22 being presented to the jury by admitting liability for the collision".

(Reference is to ESB 218 as printed March 18, 2005.)

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Representative PELATH